

39374-P001C2



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PATENT

- 1 -

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: A. Bryan Waters et al.

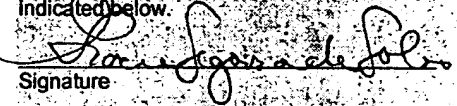
Before the Examiner: Not Yet Assigned

Serial No.: 10/092,981

Group Art Unit: 2166

Filed: March 8, 2002

Title: SYSTEM AND METHOD FOR OPTIMIZING MEDICAL  
DIAGNOSIS PROCEDURES AND CLAIMS USING A  
STRUCTURED

CERTIFICATE OF MAILING	
Under 37 C.F.R. § 1.18	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on the date indicated below.	
	Signature
Gracie Segovia de Solis	Printed
May 21, 2002	Date

**RESPONSE TO NOTICE OF OMITTED ITEM(S)**  
**IN A NONPROVISIONAL APPLICATION UNDER 37 C.F.R. 1.53(b)**

Assistant Commissioner for Patents  
Washington, D. C. 20231

Dear Sir:

1. This is in response to the "NOTICE OF OMITTED ITEMS" mailed for this application on April 5, 2002.

☒ A copy of the "NOTICE OF OMITTED ITEMS" is enclosed.

2. Applicants hereby:

☐ Petition under 37 C.F.R. 1.53(e) for a review of the determination that the items in issue were not omitted;

☐ Submit the petition fee under 37 C.F.R. 1.17(i) (37 C.F.R. 1.17(q)); and

☐ Submit the attached evidence of the deposit of the items in issue.

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- ☒ Other: Applicants elect option III from the NOTICE OF OMITTED ITEMS. In the Preliminary Amendment filed concurrently with the Application on March 8, 2002, the Applicants amended the Brief Description of the Drawings to delete the references to Figures 6 and 7 and conform the Brief Descriptions of Figures 4 and 5 with the Drawings and the Detailed Description.

4. Fee Payment

- ☒ Applicants believe no fee is due at this time. However, the Assistant Commissioner is hereby authorized to charge payment of the fees associated with this communication, or credit any overpayment, to Deposit Account No. 23-2426 (39374-P001C2) . **A duplicate copy of this transmittal letter is enclosed.**

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.  
Attorneys for Applicants

By: Barry S. Newberger  
Barry S. Newberger  
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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/092,981	03/08/2002	A. Bryan Waters	39374-P001C2

CONFIRMATION NO. 2256

## FORMALITIES LETTER



\*OC000000007804731\*

Attention: Barry S. Newberger  
Winstead Sechrest & Minick P.C.  
5400 Renaissance Tower  
1201 Elm Street  
Dallas, TX 75270-2199

Date Mailed: 04/05/2002

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) **Fig 6, Fig 7** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice MUST be returned with the reply.*

*Tsehan H*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

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